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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/683,729
Filing Date: February 07, 2002
Appellant(s): TSAI, WEN-SUNG

Mr. Winston Hsu
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 December 2003.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims s 6, 7, 9, 10, 12, and 14 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,147,664	Hansen	11-2000
5,032,828	Hirose et al	7-1991

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 7, 9, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (6,147,664) in view of Hirose et al (5,032,828).

Regarding claim 6, Hansen discloses (Figs. 7-10) a display device for a computer system comprises a screen (200) for displaying a color picture image for a user in front of the screen, at least one sensor (Fig. 7, 580a and 580b) (column 14, lines 28-31) for detecting light around the screen and generating a corresponding detecting signal; a gray level adjusting device (Fig. 9, brightness control circuitry 300) for adjusting brightness levels of light emitted by the screen; and a controller (processor 501) for

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controlling operations of the display device. See column 14, line 14 to column 15, line 27; and lines 50-57.

The only difference between the disclosure of Hansen and the claimed invention is that the claim requires a plurality of color light sensors, instead of the ambient brightness sensor of Hansen.

However, Hirose discloses (Figs. 2-4) a plurality of different colors light sensors (16a and 16b) and a controller (17) for adjusting color levels of the picture image displayed on the screen (11). See column 3, line 18 to column 4, line 44.

Since Hansen mentions that a number of different ambient light sensors can be used for detecting ambient light (column 15, lines 51-52), it is obvious to a person of ordinary skill in the art to use the different colors light sensors (16) of Hirose in place of the ambient light sensor (580) of Hansen to adjust both of the color and brightness of the color images displayed on the screen of Hansen.

Regarding claims 7 and 9, Hansen discloses (Fig. 9) a brightness control circuitry (300).

Regarding claim 10, Hansen discloses (Fig. 9) the brightness of light detected by the sensor is compared to a predetermined value (reference voltage 635).

Regarding claim 12, Hirose discloses (Figs. 2-4) a plurality of different colors light sensors (16a and 16b) and a controller (17) for adjusting color levels of the picture image displayed on the screen (11). See column 3, line 18 to column 4, line 44. It is obvious to a person of ordinary skill in the art to use the different colors light sensors of

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Hirose into the computer display device of Hansen to provide an image display device, which enables both the color hue and brightness of the images can be adjusted.

Regarding claim 14, Hansen discloses the FED flat panel display screen. However, it is well known in the art that the LCD flat panel display screen and the FED flat panel display screen are interchangeable.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Hirose as applied to claim 6 above, and further in view of Kikinis (5,416,610).

Regarding claim 13, Hansen and Hirose fail to disclose a display controller card. However, Kikinis discloses a display controller card (Display Driver VGA 47) in an LCD display device. It is obvious to the person of ordinary skill in the art to use the VGA controller card of Kikinis into the portable computer of Hansen for the purpose of reducing the weight of the portable computer with the advantage of easy portability.

(11) Response to Argument

In response to Appellant's arguments (page 4) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

On page 4, stating line 6, Appellant has argued "Hirose does not disclose measuring ambient light". However, Appellant must aware that the examiner uses the Hansen reference for the purpose of teaching the ambient light sensors for measuring ambient light, not Hirose.

"Hansen discloses (Figs. 7-10) a display device for a computer system comprises a screen (200) for displaying a color picture image for a user in front of the screen, at least one sensor (Fig. 7, 580a and 580b) (column 14, lines 28-31) for detecting light around the screen and generating a corresponding detecting signal;"

Furthermore, claim 6, line 3 recites "a plurality of sensors for detecting different colors of ambient light". This limitation is "**broad**". It does not require specific colors of light such as Red, Green, and Blue being detected. Naturally, the ambient light itself has many different colors to begin with, i.e., it contains many light spectra with different light wavelengths, and thus different colors of light. Therefore, the ambient light sensors (580a and 580b) of Hansen definitely detect the ambient brightness and also "different colors of ambient light".

Furthermore, since Hanson teaches a screen (200) for displaying a color picture image, one skilled in the art must realize that the ambient light sensors of Hansen can adjust the brightness of the image as well as the color of the image on the display screen of Hansen.

Reasons for combining the Hirose reference with the Hansen reference

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Now, the Hirose reference discloses (Figs. 1-4) a plurality of different colors light sensors (16a and 16b) and a controller (17) for adjusting color levels of the picture image displayed on the screen (11). See column 4, lines 1-44. And since Hanson teaches a number of different ambient light sensors do exist for detecting ambient light (column 15, lines 51-52), it is obvious to a person of ordinary skill in the art to use the different colors light sensors (16) of Hirose in place of the ambient light sensors (580) of Hansen to adjust both of the color and brightness of the color image displayed on the Hansen's screen.

Furthermore, examiner also notices that the Hansen's ambient light sensor (580b) (Fig. 7) is positioned in front of the flat screen (200) for detecting the ambient light thereof. Now, by looking at Fig. 1 of Hirose, the color light sensor (16) is also positioned in front of the flat screen (12). Naturally, one skilled in the art can easily realize that the color light sensor (16) of Hirose is also functioning as "an ambient light sensor" in as much as the Hansen's ambient light sensor (580b) does.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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February 20, 2004

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